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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,008	02/18/2004	Alexandr Ivanovich Krukov	TC-20	2398

26299 7590 06/03/2005

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WALDWICK, NJ 07463

EXAMINER
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ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,008

Applicant(s)

KRUKOV, ALEXANDR IVANOVICH

Examiner

Sara Addisu

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 4, 7-10 are objected to because of the following informalities: Claims 4, 7-10 start with the sentence "The device and in Claim ..." . It should be corrected to "The device as in Claim ..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

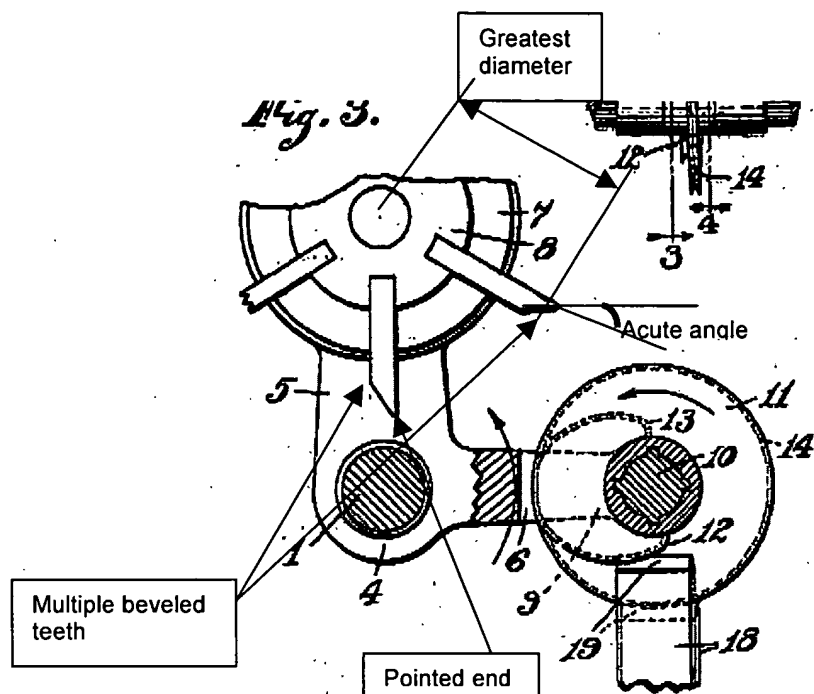
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

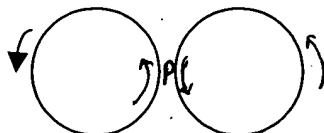
Claims 1-4, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neel (U.S. Patent No. 1,540,801).

O'Neel teaches a tool having a multi-teeth beveled cutter (8) with teeth shaped in a generally triangular form and terminating in a pointed end, a flat cutting side and it's greatest diameter facing the workpiece (see figure 1 and diagram below). O'Neel also teaches a balancing unit (arms 5&6 extending at right angle) having a motor (7) and automatic guiding means for operating the cutter head (8) such that the cutter head is easily adjustable to cause it to move in a predetermined path along the workpiece (Page 1, lines 13-17 & 32-40). Furthermore, O'Neel teaches balancing unit being attaches to lathe (via the combination of shaft 1, shaft 10 and arms 21: see figure 1).



Regarding claims 3 and 4, O'Neel teaches copier means having a helical cam surfaces (i.e. pin) (12 & 13) that rest and follow the pattern of the template such that the cutter moves toward or away from the center of the workpiece to duplicate the pattern of the template (see figures 1 & 3 and Page 1, lines 91-109).

Regarding claim 2, O'Neel teaches multi-teeth beveled cutter (8) rotating in a direction opposite to the rotation of said workpiece (26) [at Point P, see diagram below).



Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cortez (U.S. Patent No. 3,512,561) in view of

Cortez teaches a tool having a multi-teeth beveled cutter/sawblade (90) with teeth shaped in a generally triangular form and terminating in a pointed end, a flat cutting side and it's greatest diameter facing the workpiece (see figure 2). Cortez also teaches a balancing unit (20) having an electric motor (94) for driving the cutter [Col.3, lines 50-55]. Cortez teaches in Figure 2, balancing unit (20) positioned above workpiece (12) therefore, its center of gravity will also be above the workpiece.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neel (U.S. Patent No. 1,540,801), in view of Allen (U.S. Patent No. 4,227,557).

O'Neel teaches a lathe attachment device as set forth in the above rejection.

However, O'Neel fails to teach the balancing unit having a counterweight.

Allen teaches carriage (16) having a working frame that carries a counterweight (58) at the end opposed from the cutter assembly.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify O'Neel's invention such that the balancing unit includes a counterweight as taught by Allen for the purpose of accomplishing ease of positioning, adjusting and maintaining the cutter assembly in the operative disposition (abstract, lines 12-16 & Col. 1, lines 43-48).

### ***Allowable Subject Matter***

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

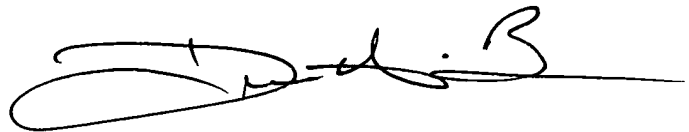
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu  
(571)272-6082

A handwritten signature in black ink, appearing to read 'D. Banks', with a long horizontal line extending to the right.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**